

deemed to be released from custody if it is not located at a duly identified facility of the Registered Importer and the Registered Importer has not notified the Administrator in writing of the vehicle's location or, if written notice has been provided, if the Administrator is unable to inspect the vehicle, or if the Registered Importer has transferred title to any other person regardless of the vehicle's location; or

(f) Fails to deliver the vehicle, or cause it to be delivered, to the custody of the Bureau of Customs and Border Protection at any port of entry, for export or abandonment to the United States, and to execute all documents necessary to accomplish such purposes, if the Administrator has furnished it written notice that the vehicle has been found not to comply with all applicable Federal motor vehicle safety standards along with a demand that the vehicle be delivered for export or abandoned to the United States.

[69 FR 52100, Aug. 24, 2004]

PART 593—DETERMINATIONS THAT A VEHICLE NOT ORIGINALLY MANUFACTURED TO CONFORM TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IS ELIGIBLE FOR IMPORTATION

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APPENDIX A TO PART 593—LIST OF VEHICLES DETERMINED TO BE ELIGIBLE FOR IMPORTATION

AUTHORITY: 49 U.S.C. 322 and 30141(b); delegation of authority at 49 CFR 1.95.

SOURCE: 54 FR 40099, Sept. 29, 1989, unless otherwise noted.

§ 593.1 Scope.

This part establishes procedures under section 108(c) of the National

Traffic and Motor Vehicle Safety Act, as amended (15 U.S.C. 1397(c)), for making determinations whether a vehicle that was not originally manufactured to conform with all applicable Federal motor vehicle safety standards, and is not otherwise eligible for importation under part 591 of this chapter, may be imported into the United States because it can be modified to meet the Federal standards.

§ 593.2 Purpose.

The purpose of this part is to provide content and format requirements for any Registered Importer and manufacturer who wishes to petition the Administrator for a determination that a vehicle not originally manufactured to conform to all applicable Federal motor vehicle safety standards is eligible to be imported into the United States because it can be modified to meet the standards. The purpose of this part is also to specify procedures under which the Administrator makes eligibility determinations pursuant to those petitions as well as eligibility determinations on the agency's initiative.

§ 593.3 Applicability.

This part applies to a motor vehicle that was not originally manufactured and certified by its original manufacturer to conform with all applicable Federal motor vehicle safety standards and that is offered for importation into the United States.

§ 593.4 Definitions.

All terms in this part that are defined in section 102 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391) are used as defined therein.

Administrator means the Administrator of the National Highway Traffic Safety Administration.

Model year means the year used by a manufacturer to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced, or the model year as designated by the vehicle's country of origin, or, if neither the manufacturer nor the country of origin has made such a designation, the calendar year (*i.e.*, January 1 through December 31)

in which manufacturing operations are completed on the vehicle at its place of main assembly.

NHTSA means the National Highway Traffic Safety Administration.

Registered Importer means any person who has been granted registered importer status by the Administrator pursuant to paragraph 592.5(b) of this chapter, and whose registration has not been revoked.

[54 FR 40099, Sept. 29, 1989, as amended at 76 FR 53080, Aug. 25, 2011]

§ 593.5 Petitions for eligibility determinations.

(a) A manufacturer or Registered Importer may petition the Administrator for a determination that a vehicle that does not comply with all applicable Federal motor vehicle safety standards is eligible for importation, either

(1) On the basis that the vehicle:

(i) Is substantially similar to a vehicle which was originally manufactured for importation into and sale in the United States and which bore a certification affixed by its manufacturer pursuant to part 567 of this chapter, and

(ii) Is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards; or

(2) On the basis that the vehicle has safety features that comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards.

(b) Each petition filed under this part must—

(1) Be written in the English language;

(2) Be headed with the words “Petition for Import Eligibility Determination” and submitted in three copies to: Director, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, Fourth Floor, Room W43-481, Mail Code NVS-220, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(3) State the full name and address of the petitioner.

(4) If the petitioner is a Registered Importer, include the Registered Importer Number assigned by NHTSA pursuant to part 592 of this chapter.

(5) Set forth the basis for the petition and the information required by § 593.6 (a) or (b), as appropriate;

(6) Specify any part of the information and data submitted which petitioner requests be withheld from public disclosure in accordance with part 512 of this chapter; and

(7) Submit a certified check payable to the Treasurer of the United States, for the amount of the vehicle eligibility petition fee established pursuant to part 594 of this chapter.

(c) The knowing and willful submission of false, fictitious or fraudulent information may subject the petitioner to the criminal penalties of 18 U.S.C. 1001.

[54 FR 40099, Sept. 29, 1989, as amended at 55 FR 37330, Sept. 11, 1990; 76 FR 53080, Aug. 25, 2011]

§ 593.6 Basis for petition.

(a) If the basis for the petition is that the vehicle is substantially similar to a vehicle which was originally manufactured for importation into and sale in the United States, and which was certified by its manufacturer pursuant to part 567 of this chapter, and that it is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards, the petitioner shall provide the following information:

(1) Identification of the original manufacturer, model, and model year of the vehicle for which a determination is sought, as well as the type classification, as defined by § 571.3 of this chapter, (e.g., passenger car, multipurpose passenger vehicle, bus, truck, motorcycle, trailer, low-speed vehicle) and the gross vehicle weight rating (GVWR) of the substantially similar vehicle which was originally manufactured for importation into and sale in the United States, and which was certified by its manufacturer pursuant to part 567 of this chapter, upon which the petition is based.

(2) Identification of the original manufacturer, model, and model year of the vehicle which the petitioner believes to be substantially similar to that for which a determination is sought.

(3) Substantiation that the manufacturer of the vehicle identified by the petitioner under paragraph (a)(2) of this section originally manufactured it for importation into and sale in the United States, and affixed a label to it